UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,231	02/27/2004	Christopher James Brown	YAMAP0904US	7985

43076 7590 07/14/2008

MARK D. SARALINO (GENERAL)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND, OH 44115-2191

EXAMINER	
BODDIE, WILLIAM	
ART UNIT	**PAPER NUMBER**
2629	
MAIL DATE	**DELIVERY MODE**
07/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/789,231	**Applicant(s)** BROWN, CHRISTOPHER JAMES	
	Examiner WILLIAM L. BODDIE	**Art Unit** 2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *4* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because: the arguments have been fully considered but are not persuasive.

On pages 9-11 of the Remarks, the Applicants argue that Tanaka-SID and Tanaka-688 both require the optically variable region to be connected to the intersecting addressing lines 100% of the time. Applicants further argue that claim 1 requires that the optically variable region not be connected to the addressing lines 100% of the time. The Examiner must respectfully disagree.

First it must be noted that the less than 100% connection time is not expressly disclosed in claim 1. It appears that the Applicants are relying on the phrasing in claim 1 which states, "outputting sensor signals generated by and within said display picture elements in response to external stimuli." It appears that the Applicants are connecting the "outputting" as only occuring "in response to external stimuli." This seems to be an erroneous reading of the claim. It is the Examiner's position that the sensor signals are "generated" "in response to external stimuli" and not "output" "in response to external stimuli." This view is backed by the disclosure which defined external stimuli as touch input in the first paragraph of page 9 of the current specification. It is the Examiner's understanding that it is the touch that generates a sensor signal, and that signal is output at a specific time determined by scanning hardware on the display.

In short, the Examiner is unable to locate any requirement in the claim which would require that the addressing lines not be connected 100% of the time. The phrasing pointed to by the Applicants as disclosing this limitation is seen as a improper construction of the claim that is not supported by the specification.

On pages 11-12 of the Remarks, the Applicants argue that the proposed combination would result in significant parasitic capactitance and significant problems associated therewith. Specifically the Applicants state that as pixel cout increases the parasitic effects would be so large as to make a measurable signal undetectable.

The Examiner fails to see how this issue is tied to the combination of the pieces of art. Increased pixel count and parasitic effects from an increase in the frequency of the signal would be issues that Tanaka-SID would have to deal with. This does not seem to be an issue that is as a result of performing the invention of Tanaka-SID in an active-matrix panel as taught by Tanaka-688.

Applicants also argue that noise interference and image quality will have deleterious effects on the combined invention. The cause of these effects is parasitic capacitance created as a result from the high frequency source of Tanaka-SID being "coupled to the capacitance of the pixel sensors all at the same time and 100% of the time."

The Examiner must respectfully disagree. While the sensor element of Tanaka-SID can be said to be coupled to the addresssing lines 100% of the time, the same can not be said of Tanaka-SID's high frequency source. Applicants are directed to figure 4 of Tanaka-SID which clearly discloses analog multiplexers for the application and sensing of the high frequency source. Therefore the high frequency source is only coupled to a single pixel sensor at a time. The Examiner does not see why this method would change in incorporating active-matrix principles into the display screen of Tanaka-SID. Therefore as shown above the rejections of claims 1-36 are seen as proper and sufficient and are thus maintained.